


~~213133~~

In re application of

)
)
)
)
)
)
)
)
)
)

Application No. 10/062,302

Art Unit: 3634

)
)
)
)

)

U.S. Patent No. 5,243,783 to Schmidt was discussed.

D. Indication Whether Agreement was Reached and Nature of Same


The Examiner agreed that the Amendments to claims 1, 16, 27 and 37 as embodied in the Reply to Final Office Action Mailed August 25, 2004 filed concurrently herewith, render claims 1, 16, 27 and 37 allowable over the prior art of record. The Examiner further specifically noted that this agreement was subject to further review by the Examiner for any section 112 rejections.

CONCLUSION

Applicants submit that the above constitutes a complete, written statement as contemplated by 37 C.F.R. 1.133 and MPEP § 713.04. Applicants respectfully request this paper to be made of record in the above-identified application. The Examiners are requested to contact the undersigned if they have any questions.

Respectfully submitted,

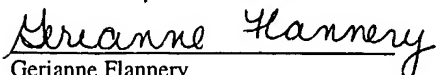
Date: November 9, 2004

By:   
Paul J. Nykaza, Reg. No. 38,984  
Austin J. Foley, Reg. No. 42,543  
Wallenstein Wagner & Rockey, Ltd.  
311 South Wacker Drive, 53<sup>rd</sup> Floor  
Chicago, Illinois 60606-6630  
312.554.3300

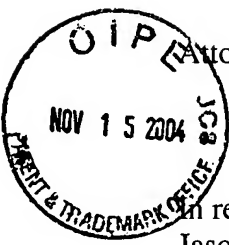
---

CERTIFICATE OF MAILING

I hereby certify that this paper or fee is being deposited with the United States Postal Service as a U.S. first-class mail in an envelope, with sufficient postage prepaid thereon, addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on November 9, 2004.

  
Gerianne Flannery  
(213133)

AF/ 3634  
JFV  
A



Attorney Docket No. 1247 P 185

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:  
Jason L. Annes and Ralph Soles  
Application No.: 10/062,302  
Confirmation No.: 2560  
Filed On:: February 1, 2002

Examiner: Gregory J. Strimbu

Art Unit: 3634

For: Brake Shoe with Spring Brake Member

Mail Stop Amendment  
Commissioner For Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

AMENDMENT TRANSMITTAL

Dear Sir:

Transmitted herewith is an Amendment in the above-identified Application.

Applicant is other than a small entity. The proceedings herein are for a patent application and the provisions of 37 C.F.R. § 1.136 apply. Applicant believes that no extension of term is required. However, this conditional petition is being made to provide for the possibility that Applicant has inadvertently overlooked the need for a petition for extension of time. The Commissioner is hereby authorized to charge any deficiencies in these fees to Deposit Account No. 23-0280. A duplicate copy of this sheet is attached.

No additional fee for the Amendment is required.

					Small Entity		Other Than A Small Entity	
	Claims Remaining After Amendment	Highest Number Previously Paid For	Present Extra		Rate	Additional Fee	Rate	Additional Fee
Total	30 -	37 =	0		x \$ 9=	\$0	x \$ 18=	\$0
Independent	6 -	9 =	0		x \$ 43=	\$0	x \$ 86=	\$0
<input type="checkbox"/> First Presentation of Multiple Dependent Claims					x \$ 145=	\$0	x \$ 290=	\$0
					TOTAL ADDITIONAL FEE			
					\$0			

Attorney Docket No. 1247 P 185

Application No. 10/062,302

Page 2

The Commissioner is hereby authorized to charge payment of the following fees associated with this communication or credit any overpayment to Deposit Account No. 23-0280. A duplicate copy of this sheet is attached.

☒ Any filing fees under 37 C.F.R. § 1.16 for the presentation of extra Claims.

Respectfully submitted,



Date: November 9, 2004

Paul J. Nykaza, Reg. No. 38,984  
Austin J. Foley, Reg. No. 42,543  
Wallenstein Wagner & Rockey, Ltd.  
311 South Wacker Drive, 53<sup>rd</sup> Floor  
Chicago, Illinois 60606-6630  
312.554.3300

---

**CERTIFICATE UNDER (37 C.F.R. § 1.8a)**

I hereby certify that this correspondence is, on the date shown below, being deposited with the United States Postal Service as first class mail, postage prepaid, in an envelope addressed to: Mail Stop Amendment, Commissioner For Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on. November 9, 2004.

Gerianne M. Flannery  
Gerianne M. Flannery